

164a); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565.

§319.59 Prohibitions on importation; disposal of articles refused importation.

(a) Pursuant to section 7 of the Plant Quarantine Act (7 U.S.C. 160) the Secretary has determined that, in order to prevent the introduction into the United States from any foreign country or locality of foreign strains of flag smut or Karnal bunt, it is necessary, except as provided in §319.59-2(b) of this subpart, to prohibit the importation into the United States of certain articles from certain foreign countries and localities. Accordingly, no person shall import or offer for entry into the United States any article designated in §319.59-2(a) of this subpart as a prohibited article, except as otherwise provided in §319.59-2(b) of this subpart.

(b) Any article refused importation in accordance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of injurious plant diseases (including foreign strains of flag smut) and Karnal bunt, injurious insect pests and other plant pests as an inspector determines necessary to prevent the introduction into the United States of such diseases or pests. If such article is not promptly safeguarded, removed from the United States, or abandoned for destruction by the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735 Oct. 14, 1983]

§319.59-1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

Deputy Administrator. The Deputy Administrator of Plant Protection and Quarantine, Animal and Plant Health

Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his/her stead has been or may hereafter be delegated.

Disease. The term, in addition to its common meaning, includes a disease agent which incites a disease.

Foreign strains of flag smut. Plant diseases caused by foreign strains of highly infective fungi, *Urocystis agropyri* (Preuss) Schroet., which attack wheat and substantially reduce its yield, and which are new to or not widely prevalent or distributed within and throughout the United States.

From. An article is considered to be "from" any country or locality in which it was grown.

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Karnal bunt. A plant disease caused by a highly infectious plant pathogenic smut fungus, *Tilletia indica* Mitra, [Neovossia indica (Mitra) Manakur], which attacks wheat and substantially reduces its yield and substantially lowers the quality of the wheat grain, and which is new to or not widely prevalent or distributed within and throughout the United States.

Person. An individual, corporation, company, society, or association.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

Prohibited article. Any class of seed, plant, or other plant product specified as prohibited articles in §319.59-2(a) or (b).

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

Spp. (species). All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

United States. The States, District of Columbia, American Samoa, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735, Oct. 14, 1983]

§ 319.59-2 Prohibited articles.

(a) The articles listed in paragraph (a)(1) of this section from the countries and localities listed in paragraph (a)(2) of this section are prohibited articles because of foreign strains of flag smut and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (b) of this section.

(1)(i) Seeds, plants, and straw (other than straw, with or without heads and which have been processed or manufactured for use indoors, such as for decorative purposes or for use as toys), chaff, and products of the milling process (i.e., bran, shorts, thistle sharps, and pollards) other than flour of *Triticum* spp. (wheat) or of *Aegilops* spp. (barb goatgrass, goatgrass).

(ii) Seeds of *melilotus indica* (annual yellow sweetclover) and seeds of any other field crops that have been separated from wheat during the screening process.

(2) Afghanistan, Algeria, Australia, Bangladesh, Bulgaria, Chile, People's Republic of China, Cyprus, Egypt, Falkland Islands, Greece, Guatemala, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Korea, Libya, Morocco, Nepal, Oman, Pakistan, Portugal, Romania, Spain, Tanzania, Tunisia, Turkey, Republic of South Africa, Union of Soviet Socialist Republics, and Venezuela.

(b) The articles listed in paragraph (b)(1) of this section from the countries and locations listed in paragraph (b)(2) of this section are prohibited articles because of Karnal bunt:

(1) Seeds, plants, straw (other than straw without heads and which have been processed or manufactured into articles such as decorative wall hangings, clothing or toys), chaff, and products of the milling process (i.e., bran, shorts, thistle sharps, and pollards)

other than flour of *Triticum* spp. (wheat).

(2) Afghanistan, India, Iraq, Mexico and Pakistan.

(c) Any article listed as a prohibited article in paragraph (a) or (b) of this section may be imported or offered for entry into the United States if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Center East, Beltsville, MD 20705 or at any port of entry with an asterisk listed in 7 CFR 319.37-14(b).

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the Plant Germplasm Quarantine Center;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of tree, plant, or fruit diseases (including foreign strains of flag smut), injurious insects, and other plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding to the number of the Departmental permit issued for such article.

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735 Oct. 14, 1983; 49 FR 24877, June 18, 1984]

Subpart—Packing Materials

QUARANTINE

§ 319.69 Notice of quarantine.

(a) The following plants and plant products, when used as packing materials, are prohibited entry into the United States from the countries and localities named:

(1) Rice straw, hulls, and chaff; from all countries.

(2) Corn and allied plants (maize, sorghum, broomcorn, Sudan grass, napier grass, jobs-tears, teosinte, Polytocha,